

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DOTTIE BROWN and BONNIE JONES as
Co-Personal Representatives of the Estate of
BOBBI JO LONG, Deceased, and
TRACY LEE BROWN as parent and guardian of
ASHLEE JO BROWN, a minor,

Plaintiffs,

vs.

No. 09 CV 321 MCA/WDS

BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF SAN JUAN, a political subdivision of the
STATE OF NEW MEXICO, and its Subsidiaries, the
SAN JUAN COUNTY SHERIFF'S DEPARTMENT and
the SAN JUAN COUNT DETENTION CENTER;
JAMES FROST, individually and in his official capacity
with the San Juan County Sheriff's Department; and
JOHN/JANE DOES 1-10, individually and in their official
capacities as Employees and/or Agents of the San Juan
County Detention Center,

Defendants.

STIPULATED ORDER APPOINTING GUARDIAN AD LITEM

THIS MATTER having come before the Court for ruling on the Motion for Appointment
of Guardian ad Litem filed in this Court, the Court having reviewed the Motion,

FINDS that good cause exists for the appointment of a Guardian ad Litem to investigate, on
behalf of the Court, the issues raised in the above-styled and numbered cause, to report to the Court
on the Guardian ad Litem's conclusions, and to take whatever action is necessary and appropriate
to effectuate that end.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. Dawn Branch is hereby appointed by the Court, as Guardian ad Litem in this cause.

2. The court-appointed Guardian ad Litem shall be deemed a party entitled to participate, to have notice of all proceedings, and to receive copies of all pleadings and correspondence among the parties.

3. The Guardian ad Litem shall be deemed an arm and friend of the Court and is appointed to assist the Court in discharging its duties to the minor child. The Guardian ad Litem shall conduct an independent investigation of all matters relevant to the issues in this cause, shall report to the parties and to the Court the Guardian ad Litem's conclusions with respect to such investigation, and shall undertake whatever formal or other actions are deemed necessary or appropriate.

4. At any hearing in this case, the Guardian ad Litem will be entitled to testify as a witness or may informally report to the Court on the nature and scope of the investigation, conclusions and recommendations regarding both the fairness and reasonableness of the proposed settlement and the manner in which the settlement monies shall be held/used on behalf of the minor child.

5. The Guardian ad Litem shall have access to all relevant and records regarding the incidents which occurred on September 11th and 12th, 2008.

6. There are strong public policy reasons to grant immunity to the Guardian ad Litem in this case, who is acting as an "Arm of the Court" as the Judge's assistant, and is performing an essential role in this Court's administration of justice. Accordingly, all immunities and privileges available to the Guardian ad Litem, as articulated by the New Mexico Supreme Court in Collins v. Tabet, 111 NM 391, 806 P.2d 40 (1991), shall be extended to the Guardian ad Litem in this matter. Dawn Branch shall be absolutely immune from any liability for any actions taken pursuant to this appointment, insofar as the Guardian ad Litem's conduct in this case involves an investigation on

behalf of this Court into the fairness and reasonableness of the settlement and the manner in which the settlement monies will be held/used on behalf of the minor child.

7. The Guardian ad Litem's duties and obligations in this case are owed to the Court and not to the minor child.

8. The Guardian ad Litem's reasonable fees shall be paid by the insurance carrier for the Defendants.



DANIEL W. SCHNEIDER
UNITED STATES MAGISTRATE JUDGE

Submitted by:

KLECAN & CHILDRESS

By: /S/ Ronald J. Childress
RONALD J. CHILDRESS
6000 Uptown Blvd. NE, Suite 305
Albuquerque, NM 87110
(505) 883-8555
Attorney for Respondent

GUEBERT BRUCKBER, PC

By: *Electronically Approved 11/01/10*
TERRY R. GUEBERT
P.O. Box 93880
Albuquerque, NM 87199-3880
(505) 823-2300
Attorney for Plaintiffs

BRENNAN & SULLIVAN

By: *Electronically Approved 11/01/10*

JAMES P. SULLIVAN
128 E. DeVargas St.

Santa Fe, NM 87501-2702
Attorney for Defendant James Frost